THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
AND
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No. 7023 of 2007

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O R D E R: (Per the Hon'ble Smt. Justice T. Meena Kumari)

This writ petition is filed seeking to issue a writ of Habeas Corpus directing the respondents to produce the petitioner's husband Vangaveeti Santhan Kumar and to release him forthwith declaring his detention as illegal and void.

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader appearing on behalf of the learned Advocate General.

The case of the petitioner is that though the detenu is not involved in any bootlegging activities, he has been falsely detained vide the order of detention passed by the 1st respondent herein vide C.No.26/C.P/Camp/07 dated 30.3.2007. It is further contended by the learned counsel for the petitioner that the alleged offences on which basis the order of detention was passed against the detenu relate to the years 1987 to 2004 and the last alleged offence i.e. Cr.No. 211 of 2005 took place on 26.10.2005 and the detention order was passed 17 months after the alleged incident and therefore the ground Nos. 1 and 2 are stale. No material, such as FIRs, remand reports, charge sheets, has been supplied to the detenu along with the grounds of detenu and it vitiates the order of detention. The order of detention clearly shows that the order of detention is not according to law and hence it is liable to be set aside.

The 1st respondent filed counter affidavit denying the

allegations leveled in the writ petition. It is further stated in the counter affidavit that basing on the relevant material available on record that the detenu is involving in bootlegging activities, the order of detention is passed on justifiable grounds. It is further stated that the various crimes registered against the detenu show that he is indulging in bootlegging activities and along with the order of detention all the relevant documents were furnished to the detenu and hence there is no merit in the writ petition and it may be dismissed. The learned Assistant Government Pleader tried to support the order of detention by arguing vehemently that the alleged detenu is habituated to bootlegging activities and hence the 1st respondent passed the order of detention on justifiable grounds.

Having heard the rival submissions of the learned counsel for the petitioner as well as the learned Assistant Government Pleader, this Court once again perused the material available on record. A perusal of the order of detention dated 30.3.2007 goes to show that the offences mentioned in the grounds of detention are stale grounds as most of those offences are alleged to have been committed long back. Many of the crimes relate to the years 1987 to 1997. The last offence which is alleged to have been committed is that of the year 2005 and in 2006 there are no crimes pending against the detenu. A perusal of the said order further goes to show that no valid reasons are forthcoming except stating that the said crimes are prejudicial to the maintenance of public order. The alleged order of detention has been passed nearly after 17 months. On the other hand, it is contended by the learned counsel for the petitioner that except four incidents, all the other cases against the detenu ended in acquittal. There is some force in the contention of learned counsel for the petitioner that the respondents ought to have resorted to such course of passing the

order of detention against the detenu in 2005 and not after 17 months. Apparently, no reasons are forthcoming from the respondents for the said irregularity. Under the above circumstances, it has to be observed that it is a very belated act on the part of the respondents and that there are no valid and justifiable reasons for passing the order of detention against the detenu and therefore the order of detention dated 30.3.2007 is liable to be quashed.

In the result, the order in C.No. 26/C.P/Camp/07 dated 30.3.2007 passed by the 1st respondent herein is quashed and the writ petition is allowed. The detenu by name Vangaveeti Santhan Kumar s/o Sobhana Chalapathi Rao, H.No. 41-11-16, Naidupet, Krishnalanka, Vijayawada, Krishna District is directed to be released forthwith, if not required in any other case.

T. MEENA KUMARI, J.

G. CHANDRAIAH, J.

Date: 26-04-2007.

MVB.